

August 16, 2021

VIA ECF

The Honorable Valerie E. Caproni
United States District Judge
United States District Court for the
Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square
New York, New York 10007

Re: Rusis et al v. International Business Machines Corp., Civil Action No. 1:18-cv-08434

Dear Judge Caproni:

Pursuant to the Court's May 13, 2021 Order (Docket No. 163), the parties jointly submit this letter to report on the status of discovery.

1. Since the last joint update to the Court, IBM served additional written discovery requests related to the procedural issues addressed by the Court's order of March 26, 2021 (Dkt. 156). Both parties also responded to written discovery requests.
2. IBM served partial initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, as to the individual claims of the Plaintiffs and Opt-ins for whom IBM intends to move for summary judgment based on procedural defenses.
3. The parties briefed their dispute on the protective order before Magistrate Judge Sarah Cave and Judge Cave resolved the parties' disputes. On August 6, 2021, Judge Cave entered the protective order.
4. Given the entry of the protective order, the parties intend to produce documents on a rolling basis in advance of the September 30, 2021 deadline.

Respectfully submitted,

/s/ Shannon Liss-Riordan
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cc: All Counsel of Record